

1 PHILLIP A. TALBERT
2 United States Attorney
3 ADRIAN T. KINSELLA
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900
7
8 Attorneys for Plaintiff
United States of America

9
10 IN THE UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

v.

14 FERNANDO CASTRO BAZAN,

15 Defendant.

CASE NO. 2:21-CR-00196-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: January 18, 2024

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

16
17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on January 18, 2024. ECF No. 54.

21 2. On April 28, 2022, a federal grand jury in the Southern District of California returned an
indictment against Mr. Bazan and two other defendants. *United States of America v. Castro Bazan et al,*
22 3:22-CR-971-JO. The defendant was arrested for this offense on June 30, 2022, and remains in custody
23 for this separate federal case. Order of detention, 3:22-CR-971-JO, ECF No. 52. Mr. Bazan has since
24 entered guilty pleas on this separate case. 3:22-CR-971-JO, ECF No. 132. His sentencing hearing in
25 that case was recently continued to February 2, 2023. 3:22-CR-971-JO, ECF No. 153.

26 3. By this stipulation, defendant now moves to continue the status conference until April 25,
27 2024, at 9:00 AM, and to exclude time between January 18, 2024, and April 25, 2024, under Local

1 Codes T4 and M.

2 4. The parties agree and stipulate, and request that the Court find the following:

3 a) The government has represented that the discovery associated with this case
4 includes investigative reports, undercover surveillance footage, recorded calls in English and
5 Spanish, phone records and other evidence.

6 b) Counsel for defendant desires additional time to consult with her client, review
7 the current charge, to conduct investigation and research related to the charge, to review and
8 copy discovery, to discuss potential resolutions with her client, and to otherwise prepare for trial.

9 c) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny her the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 d) The government does not object to the continuance.

13 e) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of January 18, 2024 to April 25,
18 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
19 T4] because it results from a continuance granted by the Court at defendant's request on the basis
20 of the Court's finding that the ends of justice served by taking such action outweigh the best
21 interest of the public and the defendant in a speedy trial.

22 g) Given the defendant's current unavailability as a result of his custody in another
23 district, this exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(3)(A) [Local Code
24 M].

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 8, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: January 8, 2024

/s/ NOA OREN

ORDER

IT IS SO FOUND AND ORDERED this 9th day of January, 2024.

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE